



U.S. Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 2150
Falls Church, Virginia 22041

December 17, 2018

Via U.S. Mail

MuckRock News
DEPT MR 60115
411A Highland Ave.
Somerville, MA 02144-2516

Re: FOIA 2018-47841

Dear Mr. Hoppock:

This letter is in response to your Freedom of Information Act (FOIA) request to the Executive Office for Immigration Review (EOIR) dated August 29, 2018 in which you seek certain calendars and/or communications relating to *Matter of E-F-H-L* from certain individuals identified in the above-referenced request.

Responsive documents are enclosed. Several responsive document was withheld under 5 U. S.C. § 552(b)(5) because they are deliberative and/or pre-decisional in nature and under 5 U.S.C. § 552(b)(6) to avoid a clearly unwarranted invasion of personal privacy. Consistent with our obligation to segregate exempt information from non-exempt information, we conducted a line-by-line review of the documents withheld under the deliberative process privilege. We determined that exempt and non-exempt information is inextricably intertwined and reasonable segregation is not possible. *See Mead Data Cent., Inc. v. U.S. Dept. of the Air Force*, 566 F.2d 242 (D.C. Cir. 1977). In that regard, these documents are withheld in their entirety.

Additionally, information within the enclosed documents has also been redacted in accordance with 5 U.S.C. § 552(b)(5) to protect certain intra-agency communications protected by the deliberative process privilege.

Additionally, information within the enclosed documents has also been redacted in accordance with 5 U.S.C. § 552(b)(6) to avoid a clearly unwarranted invasion of personal privacy.

Additionally, portions of the enclosed documents have been redacted in accordance with U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures for law enforcement investigations or prosecutions. Exemption (b)(7)(E) extends protection of information related to agency technology systems. *See Levinthal v. FEC*, 219 F.Supp.3d 1, 9 (D.D.C. 2016).

Finally, some documents originated from another Department of Justice component. We have referred that material to the Department of Justice, Office of Information Policy (DOJ/OIP) for processing and direct response to you. To follow up on this portion of your request, please contact OIP directly by visiting the website <https://www.justice.gov/oip/oip-foia>.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. *See* <http://www.justice.gov/oip/foiapost/2012foiapost9.html>.

You may contact our FOIA Public Liaison at the telephone number 703-605-1297 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Joseph Schaaf

J.R. Schaaf
Chief Counsel for Administrative Law

Enclosure:

EOIR FOIA# 2018-47841